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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/786,022	02/26/2004	Liam Ward	12013/49901 2910		
23838 7	590 10/16/2006.		EXAMINER		
KENYON & KENYON LLP		SWEET, THOMAS			
1500 K STREET N.W. SUITE 700			ART UNIT	PAPER NUMBER	
WASHINGTON, DC 20005			3738		

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		A U A	iam Nia	Applicantic			
		Applicati		Applicant(s)			
Office Action Occurrence		10/786,0	22	WARD, LIAM			
	Office Action Summary	Examine	r	Art Unit			
		Thomas		3738			
Period fo	The MAILING DATE of this communic or Reply	ation appears on th	e cover sheet with the c	orrespondence address			
A SH WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FO CHEVER IS LONGER, FROM THE MAnsions of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this community period for reply is specified above, the maximum stature to reply within the set or extended period for reply reply received by the Office later than three months after patent term adjustment. See 37 CFR 1.704(b).	ILING DATE OF TI 37 CFR 1.136(a). In no ex- nication. trory period will apply and v ill, by statute, cause the app	HIS COMMUNICATION vent, however, may a reply be tirr will expire SIX (6) MONTHS from plication to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status							
1)	Responsive to communication(s) filed	on 23 August 200	6				
-	This action is FINAL . 2b)⊠ This action is non-final.						
3)	1—————————————————————————————————————						
,—	closed in accordance with the practice	•					
Dispositi	ion of Claims						
•	Claim(s) <u>1-6,9-13 and 21</u> is/are pendi	ng in the applicatio	n.				
7/23	4a) Of the above claim(s) <u>21</u> is/are withdrawn from consideration.						
5)	Claim(s) is/are allowed.						
•	⊠ Claim(s) <u>1-6 and 9-13</u> is/are rejected.						
·	Claim(s) is/are objected to.						
8)[Claim(s) are subject to restricti	on and/or election	requirement.				
Applicat	ion Papers						
	The specification is objected to by the	Examiner.					
	The drawing(s) filed on is/are:) ☐ objected to by the	Examiner.			
7—	Applicant may not request that any object	,	•				
	Replacement drawing sheet(s) including t						
11)[The oath or declaration is objected to	by the Examiner. N	lote the attached Office	Action or form PTO-152.	1		
Priority (ınder 35 U.S.C. § 119						
•	Acknowledgment is made of a claim fo	or foreign priority ur	nder 35 U.S.C. § 119(a))-(d) or (f).			
a)	☐ All b)☐ Some * c)☐ None of: 1.☐ Certified copies of the priority d	ocuments have be	en received				
	 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 						
	3. Copies of the certified copies of						
	application from the Internation	· · · · ·		•			
* (See the attached detailed Office action	for a list of the cen	tified copies not receive	ed.			
Attachmen							
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PT	0.048)	4) Interview Summary Paper No(s)/Mail Da				
	mation Disclosure Statement(s) (PTO/SB/08)	U-340)	5) Notice of Informal F				
	er No(s)/Mail Date		6) Other:				

Art Unit: 3738

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1, 4, 6 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

Newly submitted claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: a "self-expanding stent" does not utilize a "device adapted to expand the stents" but merely a release device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites the limitation "assembly of claim 8" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 8 has been cancel. It appear that the antecedent basis for the "assembly" should be from claim 6.

Application/Control Number: 10/786,022 Page 3

Art Unit: 3738

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Yip et al (US 7,105,018). Yip et al discloses a stent (fig 4C) comprising: a first stent member having a patterned structure (fig. 4A); and a second stent member having a patterned structure (fig. 4B); a delivery device adapted to expand the stents simultaneously (fig 2) wherein the first stent member is located inside of the second stent member (as seen in fig. 4C) and is affixed to the second stent member (col 13, lines 61-62); and wherein at least one of the first stent member and the second stent member has a coating on it (Col 13-14, line 54-9, therapeutic).

With regard to claim 5, the patterned structure of the first stent member is different from the patterned structure of the second stent member (as seen in fig. 4C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 3738

Claims 2, 3, 6, 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yip et al in view of Khosravi et al. Yip et al. discloses a stent assembly as discussed above. However, Yip et al does not disclose a coating on the inside stent. Khosravi et al discloses another stent assembly including an inside coating on a stent for the purpose of treating the thrombosis with heparin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the inside of the stent assembly including the inside stent of Yip et al with a heparin coating as taught by Khosravi et al in order to treat thrombosis.

With regard to claim 12, the patterned structure of the first stent member is different from the patterned structure of the second stent member (as seen in fig. 4C).

With regard to claim 13, the first stent (at some point through the expansion) has a different length from the second stent (since the second stent is fabricated to lengthen to overcome strain, col 5 lines 28-32).

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yip et al in view of Khosravi et al of as applied to claim 6 above, and further in view of Ding (US 6,249,952). Yip et al as modified discloses a stent assembly as discussed above. However, Yip et al remains silent as to the patterned structure inside stent being the same as the outside stent. It is well know in the art of stents to have a mesh structure for the purpose of supporting a vessel wall as demonstrated by Ding (fig. 1, abs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a mesh stent such as taught by Ding for the inside stent of Yip et al as an alternative vessel support. Such a modification amounts to mere

substitution of one functionally equivalent stent for another with in the art of stents. Additionally, a mesh stent can be characterized as having generally the same pattern as the outside stent.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hunter et al. (US 6,544,544) and Igaki et al. (US RE38,653).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Sweet whose telephone number is 571-272-4761. The examiner can normally be reached on 6:30 am - 5:00pm, M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine M. McDermott can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3738

Examiner

Art Unit 3738